

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:22-CV-00023-KDB-DCK**

**KEON SCOTT,**

**Plaintiff,**

**v.**

**OCCUGUIDES USA, LLC,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court on Plaintiff's *pro se* Motion for Default Judgment. (Doc. No. 31). For the reasons briefly discussed below, the Court will deny the Motion.

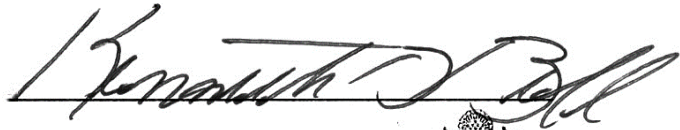
A motion for default judgment is governed by Rule 55 of the Federal Rules of Civil Procedure. Fed. R. Civ. P. 55. Rule 55(b) "authorizes the entry of a default judgment when a Defendant fails 'to plead or otherwise defend' in accordance with the Rules." *United States v. Moradi*, 673 F.2d 725, 727 (4th Cir.1982). Here, the Plaintiff is mistaken as to the applicability of Rule 55. Plaintiff argues that he is entitled to an entry of a default judgment because of the Defendant's failure to respond to "Plaintiff's reply to the Defendant's Motion to Compel and Plaintiff's Motion to Strike Defendant's Motion to Compel." *See* Doc. No. 31. However, this Court denied the Plaintiff's Motion to Strike, and the Defendant was not required, nor permitted, to file a surreply to Plaintiff's reply to the Defendant's Motion to Compel. *See* Doc. No. 28; Local Rule

7.1(e). Accordingly, there is no basis for an entry of a default judgment and the Court will deny the Motion.<sup>1</sup>

**NOW THEREFORE IT IS ORDERED THAT** Plaintiff's *pro se* Motion for Default Judgment, (Doc. No. 31), **is DENIED.**

**SO ORDERED.**

Signed: February 3, 2023,

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell  
United States District Judge



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<sup>1</sup> The Plaintiff is reminded that despite appearing *pro se* he will be held to the same standards as defense counsel. If the Plaintiff files a frivolous or vexatious motion the Court may impose a pre-filing review system and/or sanctions. *See Vestal v. Clinton*, 106 F.3d 553 (4th Cir. 1997); Fed. R. Civ. P. 11.